

YOUNG ADULT OFFENDERS IN THE NEW EUROPEAN CONTEXT

REPORT

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I. Preliminary remarks

There is probably a general expectation in the western world that the new questions arising out of the dramatic changes in the central and eastern European region and the pressure to react to them in the area of crime policy may give new impetus to criminological thinking in Europe as a whole. It is probably this expectation that made the planners of the colloquium decide to have a separate report prepared which is intended to comprise all aspects of young adult criminality from the angle of the former socialist countries.

It is, of course, a challenging task to give an overall picture on the basis of comparative research ranging from statistical data to novel forms of social control under the changing socio-political conditions.

However, the rapporteur faces immense difficulties when attempting to draw a general overview. First, there is the problem of collecting the necessary information. Apart from the deficiencies of collecting statistical data on criminality and sentencing - in countries where this data has even been published - legislators, policy makers and even criminologists, as compared to their colleagues in western Europe, have paid little attention to the specific problems of the age-group concerned.

Furthermore, policy makers, for quite understandable reasons, seem to concentrate on issues others than those related to the needs of a particular section of the population. The main objective, consuming almost all intellectual resources, is to set up institutions which guarantee respect for the rule of law. Therefore, there remains little room for more specific problems for the time being.

Finally, as some kind of reaction to the ideology and rhetorics in the past, numerous experts in the eastern European region are inclined to overestimate the theses of the classical school of penal law and reject therefore any institution or treatment tailored to the individual needs of a certain type of offender, at least as far as formal social control is concerned.

However, it is evident that the rejection of the idea of individualised justice in its present unrefined and uncompromising form is but the expression of a temporary attitude determined by specific political conditions. It is obvious that the political, economic and social changes, or more precisely their negative side-effects - rising unemployment and economic hardship, etc. - are likely to affect the generation of young adults more than other sections of the population. As a consequence, one may reasonably assume that aftercare or probation as well as the entire system of social support, which after almost totally collapsing are to be set up on the basis of new principles, will attempt to ease the problems of young adults. Furthermore, one may also hope that newly established professional groups, voluntary associations and non-governmental organisations providing support for offenders and inmates which had almost no role to play in the past, will exert some influence on the legislative process

and make decision-makers pay regard to the particular needs of that specific age group.

As a closing remark we should eliminate a misconception which seems to be widespread in the western world according to which the countries of the central and eastern European region could be treated as a homogenous entity. Even if certain common elements of a totalitarian political establishment and its criminal policy implications could be identified in all the countries of the region the impact of

historical traditions has not been eliminated over the last forty years. Therefore, assertions that would be valid for the whole region may be formulated on an extremely general level only.

With a view to the considerations and difficulties outlined, the report is by necessity fragmentary as it has to focus on the Hungarian situation and solutions. Assertions for the whole region shall be formulated only where they may go beyond vacant generalisations.

II. Crime in the period of transformation

The political crisis of the socialist political establishment has also become evident in that it can no longer cope with the phenomenon of crime. The erosion of the formerly tight control, characteristic of the authoritarian regime, as well as the almost complete collapse of the normative system are indicated by the increasing rate of crime. While in the period between 1966 and 1975 one could count with the relatively unchanged number of registered crimes of 120 000 per year and an almost stable clearance rate in the following ten years the same number came to 140 000. Thus the number of crimes per 10 000 inhabitants amounted to 115 in the period 1965-1975 on average while in the following decade it rose to 130. In this latter period, the fall in the effectiveness of clearing up offences was already evident - indicated among other things by the growing number of unidentified offenders.

The dramatic change, however, took place in the years after 1985 when the number of registered crimes grew by 100 000 within five years, accompanied by a four times increase in the number of unidentified offenders. The explosion of crime and the enormous decline in police effectiveness indicated that the competent agencies completely lost control over criminality. In 1990 twice as many crimes were registered as in 1985 and only every third offender could be identified.

It would take us too long to go into the analysis of why the competent agencies completely lost control over criminality. We confine ourselves to the assumption that the crime control agencies and the administration of justice have been eroded along with all the institutions of the system. Legislation and law enforcement reacted on the visible crisis in a confused way with inconsequent measures declaring permissiveness at certain times and calling for unreasonable rigour at others. The disconcerted approach arising out of panic could not, of course, stop the process in which the values protected by criminal law have been subjected to a general challenge.

Since the elections of last spring no considerable change has taken place, however certain elements of a new criminal policy have become visible already. Among the factors that may have significant impact on the crime issue at present we refer, first of all, to the fact that there is complete agreement in today's Hungary as to the respect for human rights and basic political freedoms. This, of course, sets a limit to criminalisation. Certain tensions and conflicts within society that used to be solved by criminal law in the past have to be overcome by other methods.

When interpreting the rising crime rates we should bear in mind that it is not always the number of crimes that indicates the seriousness of the crime problem in the most proper way. In Hungary, for instance, it was in the fifties when the number of convicted persons was the highest, however, in this period citizens feared not so much those who were supposed to have violated but rather those who had enforced criminal law.

The main difficulties which the new government faces have their roots in the previous five years as indicated above. Public security deteriorated in that period to the extent that fear of crime among the population became a problem of public concern. This is first of all due to the fact that the number of criminal offences against personal property affecting a large proportion of the population, such as breaking and entering or theft from cars is three times higher today it was five years ago, while the number of robberies has doubled. In the same period the number of the most serious, but less visible, crimes against the person (murder, homicide, assault, etc.) has remained unchanged and violent crimes against sexual integrity have even become less frequent.

III. Legislation in the former socialist countries

Surveying the existing provisions on the status of young adults in the penal codes of various countries, one may make the following somewhat rough classification:

a. In some penal codes there are no specific provisions on young adults, however, the rules on how to implement prison sentences seem to guarantee that their treatment is different from that of adults, meaning that the rules on the institutional treatment of juveniles are extended to the age group of young adults.

b. According to another relatively widely known provision, young age is a mitigating circumstance under the law, therefore courts are obliged to impose lighter sentences for young adults - also in the case of juveniles - than for adult persons. As a general rule more lenient treatment also means that certain types of sanctions used with adults may not be imposed on either juveniles or young adults.

c. As to a further model, courts have a general authorisation to apply under certain conditions the set of provisions prescribed for juveniles in the penal code. In some countries it is in the courts' discretionary power to make use of this possibility while in others it is mandatory to apply the rules on juveniles to young adults as well provided the preconditions set up by the law are present.

In the overwhelming majority of the former socialist countries the provisions on the status of young adults in the penal codes follow the provision outlined in paragraph *a*.

As a general rule the penal codes do not use the notion of young adults and there are but a few provisions indicating that young offenders who are above the age of juveniles should not necessarily be subjected to the same institutional treatment as adult persons. The Hungarian legislation may serve as a representative example. According to the penal code of 1978 some of the rules prescribed for juveniles - namely persons between 14 and 18 years of age - are also to be applied to young people over 18, provided that at the time of committing the criminal offence they were not older than 18. Thus, convicts are placed in a juvenile prison unless they have reached the age of 21 at the time of the court decision. Also the term of the young persons stay in a juvenile reformatory may be extended until they have reached the age of 19 and can even last until the end of the school term in the same year. Mention should be made of two further provisions, which, however, due to legislative changes have no practical significance in Hungary anymore. Both the death penalty and the preventive detention of multiple recidivists could only be imposed on persons who at the time of the perpetration had already reached the age of 20. Preventive detention was abolished by parliament in 1989 while capital punishment was declared to be unconstitutional by the Constitutional Court and removed from the sanction system last year. While substantive penal law includes at least a few specific provisions which take into consideration that young adults may require different treatment from that of adults, the law on criminal procedure is completely indifferent to the problems of the age group concerned. The less formal procedure, tailored to the moral needs and the intellectual level of young persons, and designed to provide the courts with procedural tools so that they could find the proper individualised sanction may be used strictly in cases of juveniles. The moment the young person has reached his/her 18th year the rules of the general procedure have to be applied.

Similar to legislation, court practice does not attach much significance to the social and psychological characteristics of young adults either. According to the Supreme Court's guiding principle on sentencing the fact that the defendant is to be considered a young adult (as to the court practice this category comprises young people between 18 and 24) should be regarded as a factor mitigating the sentence. However, considering that in the same guiding principle the Supreme Court takes the stand that the offender's clean record is a mitigating circumstance as well with the exception of juveniles and young adults, one may draw the conclusion that by declaring that young age should be evaluated as a mitigating condition, the Supreme Court simply wished to avoid that young adults were placed into a more disadvantageous position than adult persons. Experience indicates that the Supreme Court's instruction has practical significance primarily in cases where the offender is slightly over 18.

Among the penal laws of central eastern Europe it is only the Yugoslav penal code which includes separate and detailed provisions on the status and treatment of young adults. Apart from providing information on the present legislation we consider it expedient to give a brief outline of the previous legislation since the historical sketch

may help legislators in other countries to avoid certain mistakes when drafting provisions for young adults. Until 1959 the term of young adults as a category of penal law did not exist in Yugoslav legislation either. Individuals under 14 were regarded as children, their acts falling outside the scope of criminal law. The age group of those between 14 and 18 was divided into two categories: younger minors (14-16) and older minors. Offenders over 18 were treated according to the general rules applying for adults.

It was in 1959 when the category of young adults was introduced in Yugoslav criminal law. According to the relevant provision the court in exceptional cases could apply the educational measures, called increased supervision by a legal guardian, and send the offender to a correctional institution instead of imposing some kind of punishment for adults under the age of 21, provided the offender's mental capacities corresponded to those of minors (persons under 18). For the sake of clarity we add that the category of young adults implied persons who at the time of committing the criminal offence had not reached 18 years of age and who at the time of the court's final decision were not over 21.

No doubt the introduction of the category of young adults and the authorisation of the courts by the legislator to use educational measures for persons belonging to this age group instead of imposing punishment on them was a reflection of a more humane attitude as well as the result of the scientific assumption that the legal status of individuals entering adulthood should not be completely equal to that of adult offenders.

There was general agreement that some measures known before with respect to minors should only be extended to young adults under certain conditions.

In spite of this recognition and contrary to the legislator's intention there were altogether 20 to 30 cases per year throughout the country where courts made use of the new provision, while it is estimated that the number of defendants who could have benefited from the provisions in question amounted to between 8 000 and 10 000.

According to expert opinions the extremely rare application originated primarily in the deficiencies of the relevant legal provisions. Firstly, the wording of the law according to which educational measures could be applied in exceptional cases could only have made courts reluctant to make use of the possibility offered by the law. It was also argued that the number of educational measures to be used for young adults was far too low. But the main deficiency of the law that might explain the fiasco of the legislator's endeavour to provide for the specific treatment of young adults was that the use of the educational measures was made dependent upon the condition that the young adult's mental capacity corresponded to that of a person qualifying as a minor. Psychologists and psychiatrists pointed out that it was almost hopeless to determine a certain general level of the mental development of minors to which the mental capacity of a young adult could have been compared.

In addition to legislative deficiencies the lack of proper infrastructure might also have contributed to the courts' reluctance to use the relevant provisions. With the

exception of larger cities the proper services which in theory could have carried out the medical psychological personality tests were missing.

Under these circumstances it is hardly surprising that judges were inclined to abstain from imposing educational measures on young adults. Recognising the weak points of the legal regulation legislators made considerable changes in 1976. Article 82 of the present criminal code of the SFRY provides that the court may pronounce a corresponding measure of increased supervision or an institutionalised educational measure in respect of perpetrators who qualify as young adults with a view to the personality of the defendant and the conditions under which the criminal offence was committed.

It follows from the regulation that the application of educational measures is not made dependent upon any particular condition; in principle they may be imposed on any young adult offender and for any criminal offence. The gravity of the offence committed as well as potential previous convictions have of course a considerable impact on the court's option.

In contrast to the law of 1959 the educational measures that may be pronounced by the court indicate a broad variety. Increased supervision may be pronounced to be exercised by parents or guardians, or by some other family or guardianship bodies. As far as institutional educational measures are concerned the court has an option to send the young adult offender to an educational or a correctional institution or to order him to be placed in a treatment institution.

Educational measures ordered by the court may last until the person reaches 23 years of age.

On the basis of the rather flexible provisions of the Yugoslav penal code one could reasonably expect that courts make use of imposing educational measures to a broader extent. However statistical data prove the opposite: courts continued to give preference to suspended imprisonment and other "traditional" penal sanctions used for adults and imposing educational measures remained restricted to exceptional cases. In the period between 1985 and 1989 there were 199 cases altogether in the whole country where courts decided to give priority to educational measures. Thus Yugoslav court practice seems to refuse the criminological category of young adults in spite of the legislator's decision to provide for particular treatment of this age group.

From among the legislations of the former socialist countries the Polish provision deserves mention as well. According to Article 9 of the Polish penal code of 1969 individuals over 17 shall be liable under criminal law, that is, persons under 17 are dealt with on the basis of a special legislation of 1982 on the administration of justice in the case of juveniles.

The age limit set down in the penal code is, however, flexible. On the one hand, in cases of serious crimes against life, serious rape, robbery and some other offences laid down in the law, the alleged offender may be subject to criminal liability after attaining the age of 16. On the other hand, with regard to perpetrators committing less

serious offences the court may order educational or corrective measures prescribed for juveniles instead of imposing punishment.

Particular provisions apply for persons who may come under the category of young adults, namely individuals who at the time of the court decision have not attained their 21 year of age (Article 120, paragraph 4). The provision on sentencing calls on the court to pay due regard to the educational impact the sanction may exert on the offender (Article 51). As far as the detailed rules are concerned several provisions prove the legislator's intention to have persons under 21 treated in a more lenient way as compared to the general rule. Thus the provision on extraordinary mitigation may be used "in especially justified cases" for young people. Also, conditional release may be granted at an earlier stage if the person qualifies as a young adult. According to the general rule convicts may be released after having served two thirds of their sentence while in the case of persons under 21 release can already be granted after having served half of the term.

In contrast to the provisions enlisted above providing for a more lenient treatment of young adults the section on conditional release reflects a different attitude. While in ordinary cases imprisonment may be suspended for a period 2 to 5 years the minimum probation term for young adults is 3 years.

Mention should be made of the draft for a new penal code for Poland since the drafters plan to extend the category of young adults. In the present law the particular provisions mentioned above concern persons who at the time of the court's decision did not reach 21 years of age. Article 113, paragraph 7 of the draft provides that the rules on sentencing, conditional release, conditional imprisonment (outlined above) should apply to persons who at the time of the perpetration have not attained 21 years of age unless they are over 24 at the time of the first instance court decision.

IV. Criminality of young adults

In this section we will attempt to give an overview on the sentencing practice of Hungarian courts. The data on young adult cases, however, say little unless we provide proper measures of comparison. Therefore, we will give the data on the sentencing practice of Hungarian courts on young adults, referring also, however, to two further age groups: to juveniles (14-18 years of age) and to adults (according to the legal definition of all persons over 18).

In order to throw some light on at least one possible factor that may explain potential differences in the sentencing pattern, we will make a brief comparison of the dissimilarities in the registered criminal behaviour of the three age groups concerned.

Individuals belonging to all three age groups are sentenced most frequently for property crimes: in the case of young adults, sentences for property crimes represent around 50 per cent of all court sentences, the corresponding ratios in case of juveniles and adults being 70 and 40 per cent respectively.

Traffic offences are second in rank order in the case of both young adults and adult persons, but are fourth in rank order in the case of juveniles.

The next group of offences are those against public order as far as young adults are concerned. Public order offences comprising a broad variety of illegal conduct, ranging from crimes against public safety like terrorist acts or abuse of firearms and public order in the narrower sense including incitement against minorities, against legal provisions or hooliganism to crimes against public health such as environmental offences and drug offences, take fourth place in the case of adults and second as far as juveniles are concerned.

The next category for young adults is crimes against the person (the most serious being murder, homicide and assault) figuring in third place in the case of juveniles and adults and fourth place as far as young adults are concerned. In order to avoid misunderstandings it should be stressed that we are following the structure and the provisions of the present Hungarian penal code: the chapter on crimes against the person mentions only some violent crimes.

Based on the analysis of the Hungarian data we may make certain further observations which are likely to be valid for the other countries of the region as well. Thus, the criminal behaviour of those between 18 and 20 indicates numerous similarities with that of the age group under 18 while the criminal behaviour of those between 20 and 24 clearly shows the traits of this transitional period in the individual's life.

A further general observation may be that young adults represent a rather active section of the population as far as criminal conduct is concerned. The following table shows the proportion of the various age groups among registered offenders as a whole in 1990.

Age group	1990 %	1989 %
Juveniles (14-17)	11.5	11.2
Young adults (18-24)	25.1	22.7
25-39	42.6	44.2
40-49	14.0	14.3
50-59	5.0	5.5
Over 60	1.8	2.1

Regarding the dynamics of the young adults' share among all registered offenders a slight increase may be perceived: in 1987 there were 19,455 young adult offenders registered who made up 21 per cent of all registered offenders; the relevant figures for

1988 are 17,211 and 20,9 per cent respectively. As indicated by the above table the ratio of young adults and juveniles among all registered offenders has increased in the last two years as well.

Concerning the number of convicted persons and their ratio among all individuals convicted by the courts the same trend may be observed. In 1987 the 15,069 young adults made up 22,5 per cent of all convicted persons, the relevant data for 1988 and 1989 being 15,274 (23,1 per cent) and 14,934 (23,8 per cent). A further increase is proven by the statistical data from 1990 according to which young adult offenders represent 26,7 per cent of all individuals convicted by the courts - 12,427. The decrease in the absolute number of convicted persons concerning all age groups is mostly due to the acts on amnesty enacted in 1990.

Considering the fact that young adults (together with juveniles) are overrepresented among offenders of property crimes where the clearance rate is extremely low we may reasonably assume that their criminal activity has increased more intensively than indicated by the police and court statistics. (Because of the more sophisticated and organised way of perpetration the clearance rate in case of young adults is probably lower than where juveniles are the offenders.)

A further characteristic trait of the criminality of young adults in Hungary is their relatively high proportion among offenders of robbery, rape and some other violent crimes. In this connection it is worth mentioning that in the course of the preparations to the present penal code (dating back to 1978) it was considered introducing specific provisions and sanctions for young adults.

The research initiated by the drafting committee indicated that the particular social status, intellectual and emotional level of young adults may require treatment similar to that of juveniles. Therefore the research team came up with the proposal to introduce a model similar to that adopted by the Yugoslav code.

The drafting committee, however, refused to accept the recommendation arguing that criminal activity of young adults was extremely intensive particularly within the realm of violent crimes. It was feared that the extension of the milder treatment of juveniles to young adults may run counter to the needs of effective crime control.

V. Sentencing practice of the courts

It is partly the lack of special provisions in the Hungarian penal code which may explain that the sentencing practice of the courts in the case of adult offenders and young adults is rather similar. The most common type of sanction imposed on both categories is fines (in the adult cases 44 per cent, in the case of young adults 37 per cent in 1990). Conditional imprisonment was used in 26 per cent of all cases with young adults in 1990, the corresponding ratio in the case of adults came up to 24 per cent.

Penal measures - the most significant of them being penal warning in case of minor offences and probation - take third place for both young adults and adults (in

1990, 17 and 15 per cent respectively) followed by suspended imprisonment for both age groups.

The sentencing practice of the Hungarian courts in juvenile cases is somewhat different, primarily because of the special regulations in the penal code. The penal measure, called reformatory, can only be used for persons under 18 and probation may be imposed on juveniles to a broader extent than it is in the case of offenders over 18.

Therefore penal measures are applied in almost 60 per cent of all juvenile cases, followed by suspended imprisonment and unconditional prison. Fines play a less important role again because of the specific provisions in the penal code: the courts may impose fines on those offenders only if they have their own earnings.

Apart from the lack of specific provisions in the penal code as indicated above some further factors may also explain the similarity in the sentencing practice in young adult and adult cases.

The high ratio of unconditional imprisonment might be the consequence of the fact that while young age is considered as a mitigating circumstance, this is "counterbalanced" by the fact that young adults are overrepresented among the perpetrators of violent crimes.

Furthermore, it is important to note that the ratio of recidivists is almost equal in both categories: 30 per cent in the case of young adults and 36 as far as adult perpetrators are concerned. The proportion of multiple recidivists comes to 9 per cent among young adults, their proportion among adult offenders is 15 per cent.

The data on the sentencing practice of the courts in Poland are also available. In 1989 the number of convicts qualifying as young adults came to 14,359. Almost 30 per cent of them were sentenced to unconditional imprisonment, the most "popular" non custodial sanction being suspended imprisonment (48,7 per cent), while in 11,6 per cent of the cases fines were imposed. Unfortunately, the difference in both age groups concerned and the sanctions available for the courts make comparison between the Polish and the Hungarian sentencing practice almost impossible.

VI. Drug offences

In relation to the drug problem in central and eastern Europe we should first make it clear that it was only in the early eighties that public discussion on the issue first began.

Therefore numerous crucial problems that have to be overcome in order to find the proper reaction to this type of deviance still exist.

As far as the history of drug abuse in Hungary is concerned we may distinguish four periods. From the mid- sixties to 1970 drug abuse was a sporadic phenomenon. (The first drug related death was reported in the year 1969 which was the same time that the first police reports on drug consuming groups were prepared.) It was in the

seventies when Hungary started to get confronted with the drug problem. An increasing number of middle and lower-middle class young people abused drugs and medicine at parties, usually mixing it with alcohol. The limited scope of the problem was indicated, however, by the fact that drug abuse was almost exclusively restricted to the capital. The next step started in 1973 and lasted to the early eighties. This was the period when drug abuse began to spread all over the country, mainly in the form of "glue sniffing", which was frequently combined with the abuse of alcohol and medicine. The typical way of obtaining drugs was forging prescriptions but the number of burglaries in pharmacies increased as well. In the fourth stage, which began in the early eighties, abuse definitely spread. This fourth phase indicated at the same time a dramatic turn in the domain of the drug problem, perhaps in the whole region. While until the second half of the eighties it was the demand side exclusively, that is consumption and its consequences, that caused social and individual conflicts, the phenomena of the supply side (trafficking and related problems) are becoming evident nowadays. It should also be noted that there have been fundamental changes on the consumption side as well. Until recently consumption was restricted to various psychotropic substances, medicaments and sniffing organic solvents or glues. At present new abuse customs are beginning to spread among young people: such as drinking poppy-tea or the oral use of home made preparations of opium poppy straw or smoking cigarettes containing marihuana.

The number of reported crimes in Hungary has ranged from 130,000 to 150,000 per year in the eighties while there have been about 50,000 persons sentenced by the courts. In the same period the corresponding figures for drug offenders came to about 1,600 and 500 respectively, 90 per cent of them being sentenced for consumption.

75 per cent of the sentenced drug offenders belong to the age group of between 15 and 24, almost 42 per cent of them being young adults (between 18 and 24 years of age). Thus, it is evident that drug criminality is actually the criminality of the young generations. (It is remarkable that females, by their 20 per cent proportion, are overrepresented as compared to their general ratio among sentenced individuals.)

The sentences imposed on drug offenders reflect both the general characteristics of the age group concerned and the ambivalent attitude of the crime control agencies and courts to the drug problem.

The young offenders' poor financial conditions are reflected in the fact that fines for drug offences are imposed in a lower number of cases than the average. Suspended prison sentences, on the other hand, come to over 40 per cent, which is far higher than in the rest of the cases. The sentencing practice outlined indicates that proper sanctions for handling the drug problem are absent in the Hungarian penal system. The extension of forced medical treatment, originally destined to cure offenders with alcohol problems, to drug abusers turned out to be a fiasco and was never used in practice.

In almost every second case courts make use of the penal code's provision on extraordinary mitigation. This is clearly contrary to the legislator's intention, according to which this provision should be applied exclusively under exceptional circumstances, and in cases other than drug offences courts normally follow the legislator's instruction.

The sentencing practice of the courts is but one indication of a paradoxical situation in today's Hungary. On the one hand the drug problem is becoming more and more serious both in the demand and the supply area. The supply has increased considerably over the last two years by the opening of the frontiers. Various cannabis products and LSD are imported mainly from Turkey and the Netherlands to Hungary primarily by criminal organisations with the participation of Hungarian individuals living abroad. In the cities close to the frontier centres have been set up with the objective to distribute the products smuggled into the country. As a consequence of the events in Yugoslavia, Hungary is becoming one of the most significant transit roots for criminal organisations. As far as the demand side is concerned we have already referred to the recent spreading of new forms of consumption.

On the other hand the cases coming before the courts have dropped considerably together with the convictions (45 convictions in 1989 45 and 19 in 1990).

The lack of a consequent approach, the uncertainties as to the borderline between rational tolerance and permissiveness emanating from weakness have led to the fact that the police have not really cared to clear up drug offences. Also, the far too lenient court sentences may have discouraged them to invest energy into prosecuting drug crimes. On the other hand the almost symbolic sanctions imposed by the courts may reflect the judges' growing awareness of the fact that the drug phenomenon should be at least partly treated by institutions falling outside the scope of criminal law.

The recent development in Hungarian legislation indicates a change in the policy of treating drug offenders. According to the bill on the amendment to the criminal code adopted by the government in October 1991 dealers and particularly those acting as members of criminal organisations should be punished by extremely severe sanctions. On the other hand persons who prepare, acquire or keep a small quantity of abusable drugs, for purposes other than putting them on market should have a chance to avoid criminal sanctions. In their cases the police should suspend procedure and if the individual proves to have undergone treatment for a certain time prosecution should be waived. This piece of legislation indicates the first step towards a more refined approach to the drug problem.